

## REMARKS

The last Office Action of June 17, 2003 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1, 2, 5, 6, 8-14 and 18-22 are pending in the application. Claims 1, 5-6 and 12 have been amended. Claim 11 has been canceled. Claims 23 and 24 have been added. No fee is due.

Claims 1, 2, 5, 6, 8, 9, 11, 13, 14 and 18-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by European Pat. No. EP 0 828 052 to Nimmrichter. The Examiner is thanked for supplying applicant with a courtesy copy of the translation of the German language Nimmrichter patent specification.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nimmrichter.

### REJECTION UNDER 35 U.S.C. §103(a)

In order to clearly set forth the features of the present invention, applicant has amended claim 1 by incorporating subject matter of originally filed claim 11. Claims 23 and 24 have been added and set forth subject matter of previously presented claim 11. Claims 5, 6 and 12 have been amended to correct their dependency.

Claim 1, as now on file, is directed to a hollow section provided with a frame section and a plurality the stiffening elements arranged in the frame section and formed with punchings in such a way that a same cross sectional area is realized in a direction transversely to the longitudinal axis of the frame section throughout. One embodiment to implement this feature is set forth in newly submitted claim 23 and shown in particular in Fig. 6 and the accompanying description in paragraphs [0041] to [0044] of the instant specification, According to this embodiment, the punchings are so provided in the stiffening elements that cutouts on one longitudinal side of the stiffening element are opposed by a projections on the other longitudinal side of the stiffening element. As a result of this configuration, while both longitudinal sides of the stiffening element are formed in alternating fashion with a cutout and a projection, their arrangement is offset to one another, i.e. cutouts and the projections of the longitudinal sides oppose one another. Newly submitted claim 24 sets forth another embodiment which is shown in Fig. 7 and accompanying description in paragraph [0047] of the instant specification. In this embodiment the punchings are provided in an area between the longitudinal sides. As described in paragraph [0043] of the instant specification, in this way, the extruded plastic mass is precisely identical at any time during extrusion of the stiffening element. It is ensured that always the same amount of plastic is required for the extrusion per section length. Varying material quantities per section length would lead during extrusion to a pulsating with different pressures, resulting in an impairment of the extrusion and of the section quality.

The Nimmrichter reference describes a hollow section having blocking foils which, as shown in Fig. 3, have longitudinal sides formed with projections, whereby the projections on one longitudinal side oppose the projections on the other longitudinal side. Thus, the cross section transversely to the longitudinal axis of the hollow section is not the same everywhere, but is different at a plane, where the projections are located and a plane where no projections are located. The consequence of such a configuration is a pulsating material flow during extrusion of the sections, as stated above.

For the reasons set forth above, it is applicant's contention that Nimmrichter neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

### **CONCLUSION**

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen  
Agent For Applicant  
Reg. No: 31,084

Date: October 17, 2003  
350 Fifth Avenue  
Suite 4714  
New York, N.Y. 10118  
(212)244-5500  
HMF:af